



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

JAN 10 2017

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Lynn Babington
President
Ark Fisheries, Inc.
1107 East 2900 South
Hagerman, Idaho 83332

Re: Ark Fisheries, Inc. - Olson Ponds
NPDES Permit Number IDG130059

Dear Mr. Babington:

On behalf of the U.S. Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the August 30, 2016 Clean Water Act (CWA) inspection of Olson Ponds ("Facility") by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of the inspection, and subsequent EPA administrative file review, was to determine the facility's compliance with the requirements of the Clean Water Act (CWA) and the National Pollutant Discharge Elimination System (NPDES) general permit IDG130000 ("Permit") for *Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads*. The purpose of this letter is to notify you of the results of the IDEQ inspection and EPA administrative file review.

REVIEW OF ADMINISTRATIVE FILES

EPA reviewed the Discharge Monitoring Reports (DMRs) from December 2011 through November 2016 and found zero effluent limitation exceedances which would constitute violations of the CWA, 33 U.S.C. § 1251 *et seq.*

AUGUST 2016 INSPECTION

Part II.F.2 of the Permit states, "Throughout all sample collection and analysis activities, the permittee must use the EPA-approved quality assurance and quality control (QA/QC) and chain-of-custody procedures described in Requirements for Quality Assurance Project Plans (EPA/QA/R-5)¹ and Guidance for Quality Assurance Project Plans (EPA/QA/G-5)². The QA Plan must be prepared in the format that is specified in these documents."

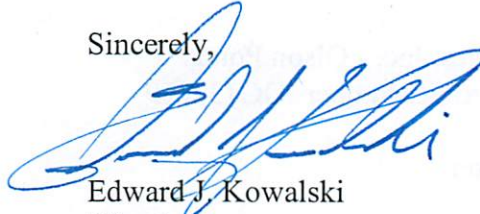
Part II.F.3.b of the Permit states, in part, the QA plan must include a "description of flow measuring devices or methods used to measure influent and/or effluent flow at each point, calibration procedures, and calculations used to convert to flow units."

At the time of the inspection, the inspector reviewed the QA plan and noted that it was not in the EPA prescribes format and was missing the calibration procedures and calculations used to convert flow. These are violations of Parts II.F.2 and II.F.3.b of the Permit.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski
Director

cc: Mr. Tyler Fortunati
Idaho Department of Environmental Quality

Mr. David Anderson
IDEQ, Twin Falls Regional Office

Ms. Maria Lopez
EPA, Idaho Operations Office

Mr. William Olson
Owner, Olson Ponds